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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,749	03/23/2004	Eric Unger Eskey	10015501-3	4639

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

GLEITZ, RYAN M

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,749	Applicant(s) ESKEY, ERIC UNGER EK	
	Examiner Ryan Gleitz	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/09/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 6 and 8 are objected to because of the following informalities:

“the sheet exit opening” (claim 6, line 2 and claim 8, line 2) should be --the at least one sheet exit opening--;

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshikado et al. (USPN 5,055,885).

Yoshikado et al. disclose a printer having a plurality of print media paths therethrough, the printer further comprising a photosensitive unit (3), which reads on a printer device; an image forming channel (A; col. 1, line 29-32), which reads on a first print media path that carries a sheet of print media from a feeding roller (8), which reads on a sheet pickup mechanism, to the printer device (3); a paper discharging channel (B; col. 1, lines 29-32), which reads on a second print media path that carries the sheet from the printer device (3) to an output of discharging rollers (14), which reads on a sheet exit opening; a paper reversing channel (C; col. 1, lines 29-

32), which reads on a third print media path that carries the sheet from the sheet exit opening back to the printer device (3); and a main unit (2), which reads on a housing.

The housing (2) has at least one sheet entry opening where paper cassette (7) loads paper into the housing (2) through which a sheet can be delivered to the first print media path (A), and at least one sheet exit opening, the opening that discharges sheets into paper discharge tray (13), through which the sheet can be dispensed from the housing (2) after the sheet travels, in a first flow direction, past the printer device (3) and a gate (31; col. 5, lines 23-26), which reads on a sheet diverter. Figure 3 shows the sheet diverter (31) having a first operating position for allowing the sheet to pass, in the first flow direction, and figure 4 shows a second operating position for diverting the sheet, while the sheet travels in a second flow direction, toward the printer device (3). A feeding roller (8), which reads on a sheet pickup mechanism, has a first operating position, shown in figure 19, wherein the mechanism picks up the sheet from a sheet dispensing tray, and a second operating position, shown in figure 6, wherein the mechanism serves as a part of a duplex printing path when the sheet travels in the second flow direction, toward the printer device (3).

Regarding claim 5, figures 2-4 illustrate that the sheet diverter (31) is pivotally mounted so that, in its first operating position, a sheet traveling in the first flow direction will not collide with the diverter and so that, in its second operating position the first print media path (A) is closed and the paper is guided unfailingly into the third print media path (C; col. 5, lines 61-64), which reads on a sheet traveling in the second flow direction will collide with the diverter and be diverted toward the printer device (3).

Regarding claim 6, a sheet collection tray (13) that services the sheet exit opening.

Regarding claims 17 and 18, Yoshikado et al. also disclose a method for increasing the versatility of a printer as performed by the apparatus above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikado et al. (USPN 5,055,885) in view of Watanabe (USPN 4,755,855).

Yoshikado et al disclose the printer above but do not disclose three sheet entry openings.

However, Watanabe disclose an image forming apparatus having three paper supply cassettes (13₁₋₃), which provide three sheet entry openings in the housing which a sheet can be delivered for transport to the printer device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the printer of Yoshikado et al. with the three paper supply cassettes as taught by Watanabe. The suggestion for doing so would have been that it increases the paper capacity of the machine and allows the use of more than one size of paper without adding or removing paper.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikado et al. (USPN 5,055,885) in view of Yoshida et al. (USPN 5,678,157).

Yoshikado et al disclose the printer above but do not disclose two sheet dispensing trays.

However, Yoshido et al. discloses a printer having two sheet dispensing trays (Figure 12; 301, 302) that are each serviced by a separate and distinct pickup mechanism (Figure 13; roller 443 and a separate roller with no reference numeral assigned).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printer of Yoshikado et al. by adding a second sheet dispensing tray as taught by Yoshida et al.. The suggestion for doing so would have been that it is well known in the art to user more than one sheet dispensing so that the printer can use more than one size of paper or to increase the paper capacity of the machine.

Yoshikado et al. also does not disclose a second sheet entry opening in the same plane as a sheet exit opening.

However, Yoshido et al. disclose in figure 13 a second sheet entry opening at feeder (208), a printer device (203), and a sheet exit opening (213), that are on substantially the same horizontal plane such that a sheet passing over the horizontal plane is not bent more than about 30 degrees.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printer of Yoshikado et al. with the additional sheet entry opening and sheet exit opening taught by Yoshida et al.. The suggestion for doing so would have been it is well known in the art to use a feeding sheet entry opening in line with the printing device so that sheets can be loaded manually. In the case that a small print job is desired using a type of sheet that is not already loaded into the printer, it is more efficiently to load the sheets manually than to change the type of paper loaded into the printer.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikado et al. (USPN 5,055,885) in view of Nelson (USPN 4,924,275).

Yoshikado et al. disclose the method of increasing the versatility above, but do not disclose that the duplex printer can also perform a simplex printing operation.

However, Nelson discloses a printer capable of performing both a duplex printing operation and a simplex printing operation (abstract, lines 1-3) to improve the efficiency when both types of printing are used, wherein successive sheets of paper are introduced into the printer from a sheet dispensing tray (101), carried through a printer device (103), and delivered to a sheet collection tray (105) in a simplex printing operation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Yoshikado et al. with the simplex printing operation as taught by Nelson. The suggestion for doing so would have been that the simple/duplex mode switching increases the throughput of the printer system by avoiding the unnecessary delays occasioned by cycling a page of paper through the print engine when nothing is to be printed thereon (abstract, lines 16-21).

Response to Arguments

Applicant's arguments filed 23 March 2004 have been fully considered but they are not persuasive.

Applicant submits that Yoshikado shows a roller 8 that functions as a pickup mechanism to pull sheets from the tray and functions to forward a sheet for duplex printing, but does not show a first operating position and a second operating position.

However, Yoshikado does show first and second operation positions. Figure 6 shows a second operating position, which serves as part of the duplex path and allows a sheet to pass. Figure 19 shows the roller 8 in a first operating position, which picks up a sheet from the dispensing tray. Figures 6 and 19 show roller 8 in different positions.

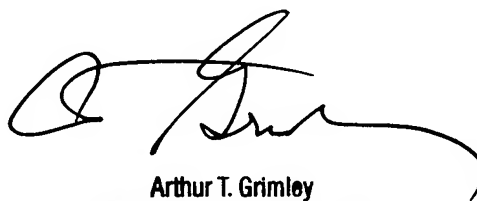
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rg



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